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WHOLE NO. 87

A MORRO.—The Geneva *Firemen's Journal* is for its motto, "Out with the Masheen." Wouldn't "out with the fire" be more appropriate?

The Fireman's Journal

AND MILITARY GAZETTE.

MARCUS D. BORUCK, Editor.

SAN FRANCISCO

SATURDAY MORNING, NOV. 29, 1856

THE FIREMAN'S JOURNAL

AND MILITARY GAZETTE.

Is published every Saturday morning.

At No. 78 Merchant Street, up-stairs.

It will be regularly served to subscribers in San Francisco every Saturday morning at an early hour, for fifty cents per month, payable to the carrier.

Subscribers will be furnished by mail for five dollars a year, payable in advance. Two copies sent to one address for eight dollars.

Persons in the city who wish the paper left at their residences, will be served on leaving their names at the publication office.

Advertisements and advertising notices inserted New York prices.

The Fireman's Journal is for sale on the day of its publication, and for a week thereafter, by J. W. Sullivan, Washington street, near Post Office.

Mr. Ullman & Co., Post Office Arcade, Geo. H. Leland & Co., Post Office Arcade, Doran & Merriam, 1734 Clay Street.

Firemen's Election.

Notice is hereby given, that the election for Chief Engineer, and 1st, 2d, and 3d Assistant Engineers, will be held on MONDAY, the 1st day of December next, in pursuance of "An Act to regulate the Fire Department of the City of San Francisco," approved April 30th, 1855. The polls to be held at such place as the Board of Delegates may designate, and to be kept open from 9 A. M., until 5 P. M., under the Supervision of such Judges as the Board of Delegates may select.

E. W. BUTLER, President Board of Supervisors.

Caution.

All persons are hereby cautioned against paying any money to a man named EDWARD PERRY, late a carrier of this paper, on the route bounded by Clay and Kearny streets, and the Bay; as he has collected amounts due this office, for which he has not accounted.

CHAS. E. BORUCK, Proprietors Fireman's Journal. Nov. 29d 1856

The Sun in its issue of Tuesday, has a leading article on "Jury duty," in which the Fire Department is made to bear a prominent part, and although the strictures of its author are rather severe upon a portion of the organization, still we are free to confess, they are correct, just and deserved.

There are at the present writing ten hundred and twenty-six men, acknowledged members of the Fire Department, all of whom under the provisions of the law governing the matter, are exempt from jury duty. All of these men, are certified to as acting and actual members of the Fire Department, but we will guarantee to say that out of that number, but five hundred and sixty-one are entitled legally to the immunities which the exemption law affords. The calculation is on an average of thirty three men to each company, which, in our honest opinion is too large, for we believe, could the rolls be produced of every company, the answer to roll call, for firms throughout the year, would hardly average thirty men.

To the inquiring mind the question naturally arises "What becomes of the remainder of the organization amounting to four hundred and sixty-five men?" In answer to it, we think we cannot do better in disposing of two hundred of them than by quoting the following from the article alluded to in the Sun.

"But the greatest evil inflicted is by the exemption afforded from jury duty to hundreds of our mercantile men, whose whole object in joining the Fire Department is to avail themselves of the provisions of the law. These are not the men found on the brakes of our engines; they are never seen at fires; they never mount the ladder, and amidst flame and smoke, battle the devouring element. Curled up in their luxurious beds, they hear the dread summons of the alarm bell, reckon another dollar for the benefit of the Fire Department, and 'fold their hands to sleep' again. There are still others, whose names decorate the fire rolls, but who never strain a muscle at a fire or pay a dollar of fine; because these gents manage to present themselves at their various engine houses in time for their real drones who creep in under the fireman's cloak, partake of his immunities, and never render any public service whatever."

As to the disposition of the two hundred and sixty-five remaining, we hold, say, they came into the Fire Department for electioneering purposes; that since they have been elected, not more than one-tenth (if that) of the number have done actual fire duty, and after the election of Chief and Assistant Engineers on Monday next, it will be very doubtful and very strange, if a single one does fire duty; and if the present Secretary of the Fire Department, will watch out sharp, he will be able to report in less than six months, that out of the two hundred and fifty-four men elected into the Department, just prior to the 30th of August, two hundred, will either resign or be expelled from the companies which returned them, and every man in the Fire Department knows it.

While we shall oppose to the last extremity—Firemen being compelled to do jury duty—yet we will favor their performing it, when called upon if consistent with business and engagements. We do not think it would be right; where for instance the interests of the city were jeopardized, for a fireman to refuse to do jury duty, or in a criminal case, where intelligent men were required; but in doing so, they should let it be distinctly understood they perform such jury duty, voluntarily, and not by compulsion. We are well aware, that taking the Fire Department generally, it is composed of the most intelligent portion of the community, and that the interests of the latter would be far safer in the hands of the members as jurymen, than they are now. But an exemption from that duty is a trifling concession compared to the duty, which is called upon to perform as firemen. That none but the honest active portion of the members should partake of the benefits of the exemption law we acknowledge; that the drones of the department do at this time to an oppressive extent, we admit; and we know of no remedy to suggest, but extreme stringency on the part of the Board of Delegates of the Fire Department, which should pass a law compelling every Foreman and Secretary at the time of presenting a man for membership, to swear as to his intent to perform active and actual service, and compelling the man so joining to swear to the same fact, making a violation of their obligation, perjury.

THE POLLS.—Will be opened at 9 A. M., and close at 5 P. M., at the Monumental Engine house, Brenham Place.

Board of Delegates.

An adjourned meeting of the Board was held at their Chambers in the City Hall, on Monday evening, Nov. 24th, at 7 1/2 o'clock.

President F. Mahony in the Chair.

The Roll being called, every member answered to his name.

The Secretary then commenced reading the minutes of the last meeting of the Board, in which were incorporated the speeches of the members, upon the questions which came up for discussion.

Mr. Jones asked if it was necessary to read the speeches of the members. He did not think they were a part of the minutes.

The Chair decided they were not a portion of the minutes.

Mr. Moore moved they be struck out of the record, which, upon a division vote, was adopted, ayes 24, nays 1.

The Secretary then read the minutes which on motion were approved.

On motion of Mr. Hossfross, the Board proceeded to ballot for Secretary.

Messrs. Whalen, Ezekiel and Biden, being in nomination.

The fourth ballot was then taken, with the following result.

FOURTH BALLOT

For Whalen.—McCarthy, Hunt, Babcock, Spear, Buckingham, Thomas, Speckles, Herbert, Doyle, Wintringer, Fitzgibbon.—11.

For Ezekiel.—Rand, Ottington, Lees, Tompkins, Hossfross, Sinton, Messerve, Short, Gough, Buckley, Berry, Cobb, Mitchell, Mahony and Law.—15.

For Biden.—Smith, Tennent and Jones.—3.

For Speckles.—Moore and Plum.—2.

Whole number of votes cast, 31.

Necessary to a choice, 16.

The candidates not voting.

Whalen 11; Ezekiel 15; Biden 3; Speckles 2.

The being no election, the Board proceeded to the fifth ballot, which resulted as follows:

Ezekiel 14; Whalen 11; Biden 3; Speckles 2.

On this ballot, Messerve left Ezekiel and voted for Speckles.

There being no election, the Board proceeded to the sixth ballot, which resulted as follows:

Ezekiel 14; Whalen 11; Biden 3; Speckles 2.

Mr. Moore moved that the election of Secretary be postponed until the next stated meeting. Ruled out of order.

Mr. Spear made a motion, that the Board adjourn for 15 minutes. Lost on a division vote, ayes 12 nays 13.

On motion of Mr. Gough, the Board proceeded to the seventh ballot, which resulted as follows:

Whalen 11; Ezekiel 13; Biden 4; Speckles 3.

On this ballot, Gough left Ezekiel and voted for Biden.

Mr. Moore moved that the election for Secretary be postponed for the present, and the Board proceeded to elect 3 judges of election, and designate the place for holding the polls, for the election of Chief and Assistant Engineers.

Mr. Lees moved to adjourn for 15 minutes, but afterwards withdrew the motion.

Mr. Buckingham renewed the motion, that the Board adjourn for 15 minutes, which was adopted on a division vote, ayes 18, nays 9.

Upon the re-assembling of the Board, and a call of the Roll, every member answered to his name.

The Board then proceeded to take the eighth ballot, which resulted as follows:

Whalen 10; Ezekiel 14; Biden 4; Speckles 3.

On this ballot, Gough left Biden and voted for Whalen.

Mr. Moore, then renewed his motion, that the election of Secretary be postponed for the present, and the Board proceeded to elect Judges, and select the place for holding the polls, which was adopted on a division vote, ayes 19, nays 7.

The Chair decided that the three Judges to be elected, could be selected from any of the companies in the Department.

On motion of Mr. Sinton, the Board then proceeded to the election of three Judges.

Mr. Spear nominated J. H. Cutter of No. 5.

Mr. Fitzgibbon nominated J. S. Reed " 14

Mr. Gough nominated W. S. O'Brien " 4

Mr. Hunt nominated Theo Payne " 1

Mr. Sinton nominated J. C. Lane " 7

Mr. Smith nominated B. C. Wadsworth " 2

The nominations then closed.

Mr. McCarthy moved that the three candidates receiving the highest number of votes be declared elected.

The Chair ruled the question out of order, and decided that it required a majority of all the votes cast, to elect.

The Board then proceeded to ballot, with the following result.

McCarthy of No. 1 voted for Payne, O'Brien, Lane

Hunt " 1 " Payne, Cutter, Lane

Babcock " 2 " Wadsworth, Cutter, Reed

Smith " 2 " Lane, Cutter, O'Brien

Rand " 3 " O'Brien, Cutter, Lane

Ottington " 3 " Cutter, O'Brien, Lane

Lees " 4 " Cutter, O'Brien, Lane

Tompkins " 4 " Lane, Reed, O'Brien

Spear " 4 " Lane, O'Brien, Cutter

Buckingham " 5 " Cutter, Lane, O'Brien

Hossfross " 6 " Payne, Lane, O'Brien

Sinton " 6 " Lane, Payne, O'Brien

Moore " 7 " Lane, Payne, O'Brien

Messerve " 7 " Lane, Cutter, Payne

Thomas " 8 " Lane, Cutter, Payne

Speckles " 8 " Reed, Cutter, Lane

Short " 9 " O'Brien, Lane, Payne

Gough " 9 " Payne, Lane, O'Brien

Biden " 10 " Wadsworth, O'Brien, Lane

Herbert " 10 " Cutter, Reed, Wadsworth

Buckley " 11 " O'Brien, Lane, Cutter

Doyle " 11 " O'Brien, Cutter, Lane

Jones " 12 " Lane, Payne, O'Brien

Tennent " 12 " Lane, Payne, Cutter

Whalen " 13 " Cutter, Wadsworth, Reed

Wintringer " 13 " Payne, Reed, Cutter

Plum " 14 " Payne, Reed, Lane

Fitzgibbon " 14 " Reed, Wadsworth, O'Brien

Berry " 14 " O'Brien, Cutter, Reed

Ezekiel " 1 " Lane, O'Brien, Wadsworth

Cobb " 2 " O'Brien, Cutter, Lane

Mitchell " 2 " O'Brien, Payne, Lane

Law " 3 " O'Brien, Payne, Lane

Mahony " 3 " Cutter, Reed, Lane

Lane 28; O'Brien 21; Cutter 20; Payne 14; Reed 9 and Wadsworth 7.

Messrs. Lane, O'Brien and Cutter having received a majority of all the votes cast, were declared duly elected.

On motion of Mr. Buckingham, the house of Monumental Engine Co. No. 6, on Brenham Place, was selected as the place for holding the polls.

The Board then proceeded to the 9th ballot for Secretary, the following result: Whalen 10; Ezekiel 15; Biden 4; Speckles 2. On this ballot Messerve left Speckles and voted for Ezekiel.

There being no election, Mr. Moore moved that the Board adjourn until Tuesday week 7 1/2 o'clock.

Mr. Hossfross moved as an amendment, which was accepted, Thursday, which upon a division vote was lost—ayes 10, nays 16.

The Board then proceeded to the 10th ballot, which resulted as follows: Whalen 10; Ezekiel 14; Biden 5; Speckles 2. On this ballot Gough left Ezekiel and voted for Biden.

On Motion Mr. Hossfross the nominations were re-opened.

Mr. Hunt nominated Mr. Buckley of No. 11.

The Board then proceeded to the 11th ballot, which resulted as follows:

For Whalen.—McCarthy, Hunt, Babcock, Spear, Buckingham, Thomas, Speckles, Wintringer, and Fitzgibbon.—9.

For Ezekiel.—Rand, Ottington, Hossfross, Short, Berry, Cobb, Law and Mahony.—8.

For Biden.—Lees, Tompkins, Sinton, Moore, Messerve, Gough, Doyle and Mitchell.—8.

For Biden.—Smith, Tennent, Jones, and Plum.—5.

Whole number of votes cast, 30.

Necessary to a choice 16.

Whalen 9; Ezekiel 8; Buckley 8; Biden 5.

The four candidates not voting.

There being no election the Board proceeded to the 12th ballot, which resulted the same as the last.

The being no election, the Board proceeded to the 13th ballot, which resulted, Whalen 10; Ezekiel 8; Buckley 8; Biden 6. On this ballot Doyle voted for Whalen, Gough changed from Buckley to Biden.

There being no election, Mr. Lees moved that the Board adjourn for 5 minutes.

Mr. Plum moved as an amendment, Wednesday week, 7 1/2 o'clock.

Mr. Law moved as an amendment, 15 minutes, the amendments of Mr. Lees and Mr. Plum, were lost, and that of Mr. Law decided carried by the Chair, the vote being ayes 14, nays 14.

Upon the re-assembling of the Board, every member answered to his name.

Mr. Buckley withdrew as a candidate for the Secretaryship.

The Board then proceeded to take the 14th ballot, with the following result:

For Whalen.—McCarthy, Hunt, Babcock, Spear, Buckingham, Thomas, Speckles, Wintringer and Fitzgibbon.—9.

For Ezekiel.—Smith, Rand, Ottington, Lees, Tompkins, Hossfross, Sinton, Messerve, Short, Gough, Buckley, Doyle, Berry, Cobb and Mitchell.—15.

For Biden.—Moore, Herbert, Tennent, Jones, Law and Plum.—7.

Whalen 9, Ezekiel 16, Biden 7.

There being no election, Mr. Plum moved that the Board adjourn until Wednesday week. Lost on division vote, ayes 10, nays 17.

The Board then proceeded to the 15th ballot, which resulted, Ezekiel 16, Whalen 9, Biden 6.

On this ballot Mr. Mahony changed from Biden to Ezekiel.

Mr. Ezekiel having received a majority of the votes cast, was declared duly elected Secretary for the ensuing year.

On motion the Board proceeded to the election of a Treasurer.

Mr. Gough nominated Mr. Cobb, who having received all the votes cast, was declared duly elected Treasurer for the ensuing year.

On motion the Secretary was instructed to procure printed copies of the Ordinance governing the Fire Department, for the use of the members of the Board.

The Board then adjourned.

Notice.

The following named gentlemen have been selected to solicit contributions, in their respective Districts, for the purpose of purchasing hose for the Fire Department, the urgent necessity that exists for an immediate supply of hose, it is hoped will meet from the public generally that attention its importance demands.

COMMITTEE OF SELECTION.

- | | |
|----------------------------|------------------------------|
| F. Billings, | E. W. Crowell, |
| John Sime, | James Bell, |
| Eous Cohn, | J. P. Haven, |
| Theo. Payne, | W. K. Van Allen, |
| G. W. P. Bissell. | |
| 1st District.—E. P. Flint. | |
| 2d " | J. Seligman, H. A. Cobb. |
| 3d " | F. Billings, A. Guy. |
| 4th " | John Sime, E. W. Crowell. |
| 5th " | G. W. P. Bissell, W. H. Dow. |
| 6th " | Louis Cohn, Tong Achick. |
| 7th " | Theo. Payne. |
| 8th " | Louis Peck. |
| 9th " | A. B. Forbes. |
| 10th " | Louis McLane. |
| 11th " | W. C. Hoff. |
| 12th " | E. W. Burr. |

Candidates for Bell Ringers.

The following is a list of the candidates for Bell Ringers, on the City Hall Bell, as far as we are able to learn at present, as the list increases we shall publish the "aspirants"—viz, Peter Kenny, present incumbent, of Empire No. 1, J. D. Swift, of Manhattan No. 2, C. H. Bryan, of California No. 4, James Nugent, of Monumental No. 6, Joseph Welch, present incumbent, of Pacific No. 8, Cornelius Walsh, of Pacific and A. J. Jessup, of Vigilant No. 9. There are three to be elected, and therefore it is natural to suppose, that "several" of the candidates must be disappointed.

DECORUM.—We sincerely trust, that the same order, decorum, and dignity, will characterize the proceedings of Monday next, as so signally marked the election of last year, at which time, from morn till night, there was not a cross word spoken, a blow struck, or an intoxicated man seen near the polls. There is no reason why it should be otherwise; each individual member of the Fire Department, is responsible for the acts performed on that day, and therefore it behooves the entire Department, to be vigilant, and prevent any infringement upon the good order and peace of those interested.

PLUMBERS.—Last year, we expressed a hope that not a single plumber might be placed in the ballot box, at the election of Chief and Assistant Engineer. This year we hope that every company having a candidate running, will give him a "plumber" vote, as we firmly believe it will be the means of preventing in the future, the bargain and sale of men like sheep, and swapping votes for a consideration. Let men be elected on their own merits, and not in view of the power they may possess, in the low, degrading and underhand trickery of the politicians school.

FIREMEN.—Vote for no man, on Monday next, whom you think, is mixed up in the bargain, sale and combination system, which exists in the Department. Vote for men simply for their ability to perform the duties, which will be incumbent upon them to perform, if elected to the position which they may aspire.

Palmer Cook & Co.

The decisions which have lately been rendered in the affairs of Adams & Co., and the charges made in certain quarters relative to the attempted fraud on the part of Palmer, Cook, & Co., in refusing to pay over to H. M. Nagle, the receiver of Adams & Co., the amount of certificate of deposit for \$101,783; have urged us to inquire into the facts of the case, and endeavor if possible to elucidate the reasons for the benefit of the public, which have induced the retention of that amount by the parties named; and we will premise what we are about to write, by expressing the astonishment we entertain at the lukewarmness on the part of the daily press in regard to the matter, particularly when that press is supposed to be established for the purpose of enlightening the community on all matters of public interest; and defending the innocent against the charges of those who seek to immolate them, so that advantage may ensue to themselves thereby.

Palmer, Cook, & Co., have refused to pay over the \$101,783, and why? Simply for the reason that the money for which that certificate calls, belongs to them by virtue of moneys expended, and claims held by themselves against the assets of Adams & Co.

A suit, which has been pending in the Supreme court, for some time, was decided on Thursday in favor of Palmer, Cook, & Co., in which that firm will recover \$19,000, for expenses paid out by them for the assignees of Adams & Co. The following is the decision alluded to:

Adams & Co. vs. Haskell & Woods—In the matter of the intervention of Cohen, Roman & Jones.

When this case was here upon appeal, by the intervenors, from an order directing them to pay over to the receiver the funds which they had received as assignees in bankruptcy, we decided that, in consequence of the proceedings in bankruptcy being *coram non judge*, they held the fund which they had obtained by the order of the Court, as the custodians of the Court. There was nothing indeed except the name, in which the differed in character from regularly appointed receivers. Had we not taken this view of their condition, we could not have sustained the summary order of the Court, requiring them to pay the money to the receiver, and which, in the event of their refusal, subjected them to the penalties of contempt. They would simply have been liable to be sued for the money, like any other creditor.

It follows, necessarily, that, as they were bound to obey the orders of the chancellor in their relation to the fund, as well as regarded its safe custody, as its return, they are correspondingly tied to the execution of the Court, against all losses for disbursements which were necessary and proper and such a reasonable and prudent man acting as receiver, would have been justified and sustained in expending.

The order of the Court to the referee is too narrow to do complete justice to the intervenors, and must be set aside. Another order must be made by the Court below, directing the referee to take evidence and report fully as to each item of the account of disbursements, the cause or services for which each was made by the intervenors, and the reasonableness of the price charged. Upon the report coming in, it will be subject to exceptions by both parties to the controversy, and upon such exceptions it will be the duty of the Court to decide upon the merits of every disputed item of the account, and allow or disallow the same.

I concur.

The \$49,000, deducted from the \$101,783 leaves \$52,783, against which Palmer, Cook, & Co., hold for themselves claims to the amount of \$565,000, against the assets of Adams & Co., approved by Gilbert A. Grant, the referee.

H. M. Nagle has in his possession funds, somewhere in the neighborhood of \$150,000, and if it should be ordered that the claims against the assets of Adams & Co., be paid according to the priority of attachments; those held by Palmer, Cook, & Co., will sweep away the entire fund held by Nagle. Should ten per cent be allowed on the claims held by Palmer, Cook, & Co., it would amount to \$55,000, being more than the certificate of deposit by \$3,717.

From the above the public will see at a glance that the onslaught made upon Palmer, Cook, & Co., has been for effect, and not for the purpose of defending the poor creditors of Adams & Co., in any event; but for the sake of keeping P. C. & Co., out of what was legally their own, relying on the infamous slanders already heaped against that firm as a substantiation of the present. We have defended Palmer, Cook & Co., from the first, and we shall to the last, independent of all the namby-pambyisms of the corrupt moral reformers of the day, who to hide their own infamy, seek to make a cloak of the business affairs of the firm of which we have spoken. In withholding the \$101,783 from H. M. Nagle, Palmer, Cook, & Co., have acted in their own defence with justice and right.

DEBTS.—Now that the Board of Delegates is completely organized, the members should at their next meeting, empower the Finance Committee to procure suitable desks for the use of the Board. The members would find it greatly to their convenience to be provided with desks and pens, ink and paper, at their command; and not only that, it would greatly facilitate the legislation of the Board. We advocated this reform last year, but the impoverished condition of the treasury, precluded the possibility of any improvements until there was a reform, financially, in the condition of the Board. There is a sufficient amount now on hand, to meet the expenses intended, and the money could not be better appropriated.

A DISPOSITION.—Has manifested itself among some members of the Fire Department, to make the election a test of "Vigilance and anti-Vigilance," feeling in the association, and it has been openly talked about. It is an infamous falsehood, no such feeling exists in the Department among the masses. Interested men may start a report of that kind, but confidence should not be placed in it. The entire Department is a "Law and Order," organization; if it had not been, could it have sustained itself as it has since last April, without the slightest law except that imposed by its own self government to direct it? Let no such issues be brought into the contest, and mark well the man, who attempts it.

BE CAREFUL.—Not to vote in Monday next, for any candidate for Chief or Assistant Engineer, that may be running because interested men may tell you it was his friends that elevated your own friends to position in the Board of Delegates. Let not party consideration induce you to give heed to such chicanery. The Presidency and Treasuryship, were conferred on Florence Mahony and H. A. Cobb, unsolicited and without a pledge. The Secretaryship was given to Mr. Ezekiel, although not unsolicited, still, without a pledge. Vote therefore firemen of San Francisco; regardless of all such party machinations.

TWO JUDGES.—Are John C. Lane foreman of Volunteer Engine Co. No. 7, James Cutter of Knickerbocker Engine Co. No. 6; and Wm. S. O'Brien foreman of California Engine Company No. 4; and none better could have been selected.

Hose for the Fire Department.

So strong a hold has party obtained in the Fire Department, that even the staid old merchants and business men of our city, who are now devoting their time, energy and means in procuring hose for a better efficiency of the Fire Department, are compelled to be annoyed with the petty differences of the Fire Department, so as to influence the election on Monday next.

We are led to these remarks for the reason that a communication was addressed to the gentlemen composing the Hose Committee, in which four questions were asked them, which we will hereafter refer to, in relation to the 400 feet of hose, now in the market. The letter was handed to a member of the committee, not in a bold open manner, but shoved into his hand, with the stealthiness of an assassin, the party doing it, immediately vanishing. The letter was written in a disguised hand, and was signed a "Hook and Ladder Man."

